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REMARKS

Throughout the claims and the specification, the term "area" was replaced with the term "range" because the German word "Bereichgruppe" is more precisely translated as "range group" instead of "area group." It is respectfully submitted that no new matter is entered by such amendment.

Claims 9-16 are presently pending in the Application and claims 9-15 are rejected, under 35 U.S.C. § 112, second paragraph, as being indefinite by not reciting all of the rotating elements when reciting the limitation that only certain elements of the transmission are rotating under the cited conditions. The Examiner further indicates that claims 9-15 would be allowable if base claims 9 and 15 were amended to overcome the rejection under 35 U.S.C. § 112, for which the Applicant thanks the Examiner.

In response, claims 9 and 15 are believed to be amended in accordance with the Examiner's suggestions to address and overcome all of the grounds for rejection under 35 U.S.C. § 112, second paragraph, so that the Applicant respectfully submits that claims 9-15 are now in condition for allowance. The entered claim amendments are directed solely at overcoming the raised indefiniteness rejection(s) and are not directed at distinguishing the present invention from the art of record in this case, are fully supported by the disclosure of the Application as originally filed, and do not add any new matter to the disclosure or the claims. The Applicant accordingly respectfully requests that the Examiner reconsider and withdraw the rejection of claims 9-15, under 35 U.S.C. § 112, and allow pending claims 9-15.

Claim 16 is rejected, under 35 U.S.C. § 103(a), over Frost '959 in view of Anthony '322. The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the above amendments and the following remarks.

The Applicant notes that in the Examiner's response to the previously submitted arguments regarding the distinctions between the present invention, as recited in claim 16, over Frost '959 in view of Anthony '322 and the Applicant concurs with the Examiner that the recitation of a "flow path" through the transmission, in claim 16, eliminates the need to recite in that claim the shifting elements associated with the recited transmission elements forming the flow path. The Examiner also states, however, that a claim directed to a flow path

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consisting of certain transmission elements does not distinguish over Frost '959 and Anthony '322 as the scope of the "flow path" may also encompass the flow path of Frost '959 in view of Anthony '322.

Upon further consideration of this matter and the previously presented arguments, claim 16 is amended so that this claim now recites, in accordance with the present invention and the distinctions over Frost '959 and Anthony '322, that when the transmission is in the direct gear state, the sole rotating elements in the transmission are the recited elements comprising the flow path.

It is, therefore, the Applicant's belief and position that claim 16, as amended herein above, is now fully and patentably distinguished over and from Frost '959 in view of Anthony '322 under the requirements and provisions of 35 U.S.C. § 103. The Applicant accordingly respectfully requests that the Examiner reconsider and withdraw the rejection of claim 16, under 35 U.S.C. § 103, over Frost '959 in view of Anthony '322, and allow claim 16 as amended herein above.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Frost '959 and/or Anthony '322 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

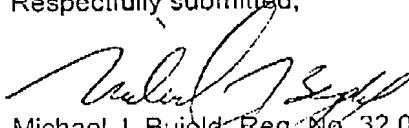
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In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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